

REMARKS

Claims 1-8, 10-12, and 14-17 are pending in the patent application. Claims 9 and 13 have been canceled without prejudice or disclaimer. Claims 1-4, 6-8 and 10 have been amended. New claims 15-17 have been added. No new matter has been added.

This is in response to the office action mailed 7 Oct 2004. Reconsideration of the outstanding rejections is respectfully requested.

In the claims, the rejections under section 112/2 have been attended to by this amendment.

The claims which were considered allowable, if rewritten to not depend upon a rejected claim have been amended to now be allowable. That includes claims 4- 7 and 10-12.

Each of the new and amended claims is discussed below.

Claim 1 has been amended to distinguish over the Thorp et al reference. Claim 1 recites a structure which uses concave curvature to overcome a problem with freestanding papers in a tray, namely that they bend under their own weight. The present claims takes advantages of the structural advantage achieved by curving the tray to impart strength to the paper.

The examiner has asserted that this concept is shown in the Thorp patent, but on further inspection, the Thorp patent completely misses the reason for the curvature. In Thorp, the purpose of the curvature is explained in column 5 line 11-12:

The arcuate frame 2 enables easier viewing of documents or other items. Thus, while Thorp *shows* an arcuate shape, it does not teach the inventive concept. It is not sufficient to find a structure in the prior art if its function is different. If that were not so, the Office could pick and choose elements from any reference regardless of their purpose. The standard to be applied is whether the teaching of reference would have rendered the claimed invention obvious. Clearly were the teaching was viewability, then discovering the structural strength advantages which the curvature imparts into the papers, requires the infusion of *inventive energy*, and thus the claim cannot be considered obvious.

Further supporting this argument is the fact that the ledge 54 is so wide and the curvature so feeble, that this curvature would not be able to impart sufficient curvature into a sheet of paper so as to make it stand up straight. Thus, this disclosure is not only insufficient in its teaching, but non-enabling for a concept which is never discussed in the text. To extrapolate what is not in the boundaries of the document itself is to impermissibly extend the meaning of this disclosure.

Claim 2 is directed to a further combination, which is completely missing from any of the cited art. In addition to the curved trays, there is claimed a ledge element in front of the trays which provides a stand capable of allowing full view of the document in addition to the trays behind. None of the references disclose this combination.

Claim 3 is directed to the unique combination of removable trays, which allow for resizing of the space between trays. Note that this is not possible in any of the cited references, which use a stair step base. The stair step base is need for easy viewing of the contents of the various trays. Saylor for example, there is not stair step base so the contents of the trays are occluded by other trays and, in any case, if a tray is removed, the floor of the tray goes with it.

In Meltser, the "trays" are attached to sidewalls, not the base it an makes them difficult to remove. Worst of all, there is NO base independent of the tray so if one tray is moved, the papers will fall right through!

Of course, Thorp has no base as defined in the claim.

Thus claim 3, which provides a valuable advantage is not rendered obvious by the cited art.

Claim 7 is already allowable but had been amended to clarify its function. The amendment is not meant to be a limitation.

Claim 8 adds a document holder and recognizes the advantage of using a narrow gap to enhance the effect of the arcuate in the document holder. Neither of these features is found in the prior art.

Claim 14 is a rather detailed claim, which may have been rejected in error. It contains a combination of elements, which cooperate to make a highly functional letter file, not found in the prior art namely:

a foot element;

a staircase base

detachable paper file trays

a storage element extending from the lowest of said stairs and in front of said file trays, said storage element having an upper section and lower section, said upper section including a plurality of elongated compartments sized to receive writing instruments or the like, said lower section including a recess and upper and lower rails,

a slideable storage unit sized to be received within said recess in said lower section and slideable laterally along said rails;

said slideable storage unit having generally vertically oriented compartments and a front face forming a front wall to said compartments, said front wall including apertures for allowing visual inspection of the contents of said compartments

a magnetic element on said front face for maintain magnetically attracted objects; and

a document ledge extending from the lower of rails for holding a document upright in front of the letter file.

Consequently, it is submitted that claim 14 should have been allowed in the first instance and in any event, no basis for rejection was ever provided.

New claim 15 presents a combination of elements which include the unique slidable tray (for example see figures 5 and 6 for one embodiment). Nothing in the prior art has any suggestion of this feature.

New claim 16 further defines this feature by providing an aperture to make it possible to view the contents of the compartments without sliding them laterally, for example, in the event they are empty. This is not shown in the prior art.

Therefore, in view of the forgoing it is submitted that this case is now in condition for allowance.

CONCLUSION

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. The amendments clarify the patentable invention without adding new subject matter. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

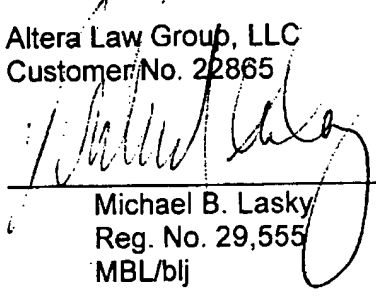
If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Michael B. Lasky at (952) 253-4106.

Respectfully submitted,

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